

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



OPTOLUM, INC.,)
)
Plaintiff,)
)
v.) 1:17CV687
)
CREE, INC.,)
)
Defendant.)

VERDICT FORM

INFRINGEMENT

1. Has OptoLum proved by a preponderance of the evidence that Cree literally infringed any of the following claims of the '303 Patent as to the Multi-Ring Bulb?

For each asserted claim please check "Yes" or "No" below.

| | YES (for OptoLum) | NO (for Cree) |
|---------|------------------------------|--------------------------|
| Claim 2 | _____ | ✓ _____ |
| Claim 3 | _____ | ✓ _____ |
| Claim 4 | _____ | ✓ _____ |
| Claim 6 | _____ | ✓ _____ |
| Claim 7 | _____ | ✓ _____ |
| Claim 8 | _____ | ✓ _____ |
| Claim 9 | _____ | ✓ _____ |

2. Has OptoLum proved by a preponderance of the evidence that Cree literally infringed any of the following claims of the '028 Patent as to the Multi-Ring Bulb?

For each asserted claim please check "Yes" or "No" below.

| | YES (for OptoLum) | NO (for Cree) |
|----------|------------------------------------|--------------------------------|
| Claim 1 | _____ | _____/_____ ✓ |
| Claim 2 | _____ | _____/_____ ✓ |
| Claim 3 | _____ | _____/_____ ✓ |
| Claim 5 | _____ | _____/_____ ✓ |
| Claim 6 | _____ | _____/_____ ✓ |
| Claim 7 | _____ | _____/_____ ✓ |
| Claim 8 | _____ | _____/_____ ✓ |
| Claim 14 | _____ | _____/_____ ✓ |
| Claim 16 | _____ | _____/_____ ✓ |

OBVIOUSNESS

3. Has Cree proven by clear and convincing evidence that any of the following claims of the '303 Patent are invalid for obviousness?

For each asserted claim please check "Yes" or "No" below.

| | YES (for Cree) | NO (for OptoLum) |
|---------|---------------------------------------|---------------------------------------|
| Claim 2 | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> |
| Claim 3 | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> |
| Claim 4 | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> |
| Claim 6 | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 |
| Claim 7 | <input type="checkbox"/> | <input checked="" type="checkbox"/> 2 |
| Claim 8 | <input type="checkbox"/> | <input checked="" type="checkbox"/> 2 |
| Claim 9 | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> |

JW

4. Has Cree proven by clear and convincing evidence that any of the following claims of the '028 Patent are invalid for obviousness?

For each asserted claim please check "Yes" or "No" below.

| | YES (for Cree) | NO (for OptoLum) |
|----------|--|--|
| Claim 1 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <i>2</i> |
| Claim 2 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |
| Claim 3 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |
| Claim 5 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |
| Claim 6 | <input type="checkbox"/> | <input checked="" type="checkbox"/> <i>2</i> |
| Claim 7 | <input type="checkbox"/> | <input checked="" type="checkbox"/> <i>2</i> |
| Claim 8 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |
| Claim 14 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |
| Claim 16 | <input checked="" type="checkbox"/> <i>2</i> | <input type="checkbox"/> |

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WRITTEN DESCRIPTION

5. Has Cree proven by clear and convincing evidence that any of the following claims of the '028 Patent are invalid for failure to satisfy the written description requirement?

For each asserted claim please check "Yes" or "No" below.

| | YES (for Cree) | NO (for OptoLum) |
|----------|---------------------------|-----------------------------|
| Claim 1 | X 2 | _____ |
| Claim 2 | X 2 | _____ |
| Claim 3 | X 2 | _____ |
| Claim 5 | X 2 | _____ |
| Claim 6 | X 2 | _____ |
| Claim 7 | X 2 | _____ |
| Claim 8 | X 2 | _____ |
| Claim 14 | X 2 | _____ |
| Claim 16 | X 2 | _____ |

DAMAGES

6. What amount in the form of a royalty is OptoLum entitled to recover for Cree's sales of the Accused Products?

\$ _____

This the 9 day of November, 2021.



Foreperson